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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,347	03/29/2001	James P. Kardach	P10783	3768

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EXAMINER

SHAH, NILESH R

ART UNIT	PAPER NUMBER
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2127

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DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,347

Applicant(s)

KARDACH, JAMES P.

Examiner

Nilesh Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/19/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-21 are presented for examination.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 14-18 are rejected under 35 U.S.C. 101 as being directed to method steps which can be practiced mentally in conjunction with pen and paper, there fore they are directed to non-statutory subject matter. Specifically, as claimed in claim 14 it is uncertain what performs each of the claimed method steps. The examiner suggests applicant to chance “method” to “computer implemented methods” in the preamble to overcome the outstanding 35 U.S.C 10 rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 19-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Claims 19-21 are depended on method claims 14 and 16.

However, claim 19 is a system claim and claims 20-21 are computer program claims.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al (6,366,622) (hereinafter Brown) and further in view of Bollella (6,466,962).

8. As per claim 1, Brown teaches a mobile, uniprocessor computer system comprising:
a high-level baseband controller to operate a radio module in accordance with a wireless communication protocol (col. 8 lines 22-35, col. 22 lines 9-21). Brown does not specifically teach the use of a processor having different areas for real time and non real time events.

Bollella teaches a primary host processor coupled to the high-level baseband controller, the processor having a first portion to process real-time events received from the

controller and associated with the wireless communication protocol, and having a second portion to process non real-time events (col. 18 lines 25-35, col. 3 lines 3-10). It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Bollella and Brown because Bollella's events are spilt into real time and non real time event thus would improve Brown's wireless system by allowing real time events to be processed first.

9. As per claim 2, Bollella teaches a computer system wherein the first portion of the processor includes a non-symmetric processing core to run a first operating system, the second portion of the processor to run a second operating system, and the first and second portions of the processor to share a level-2 cache (col. 8 lines 53-65, col. 18 lines 25-35).
10. As per claim 3, Bollella teaches a computer system wherein the first portion of the processor includes a real-time event circuit to halt a non real-time process and to initiate execution of a real-time event handler (col. 6 lines 5-26, col. 5 lines 52-66, col. 9 lines 20-30).
11. As per claim 4, Bollella teaches a computer system wherein the first portion of the processor further includes a timer to trigger the real-time event circuit to initiate the execution of the real-time event handler (col. 5 lines 52-66, col. 9 lines 20-30).

12. As per claim 5, Bollella teaches a computer system wherein the processor includes an externally accessible event pin to trigger the real-time event circuit to initiate the execution of the real-time event handler (col. 6 lines 5-26, col. 5 lines 52-66, col. 9 lines 20-30).
13. As per claim 6, Bollella teaches a computer system wherein the non real-time events are associated with running a Windows operating system (col. 4 lines 10-13, col. 5 lines 14-17).
14. As per claim 7, Brown teaches a computer system further comprising a radio module including buffered input-output ports coupled to the high-level baseband controller, a low-level baseband controller, and a transceiver to enable wireless communication in accordance with the wireless communication protocol, the module meeting Limited Modular Approval by the Federal Communications Commission (col. 8 lines 22-35, col. 21 lines 10-23, col. 22 lines 1-21, col. 21 lines 43-50).
15. As per claim 8, Brown teaches a computer system wherein the low-level baseband controller includes a baseband portion associated with a link management protocol (col. 20 lines 43-57 col. 6 lines 3-7).
16. As per claim 9, Brown teaches a computer system further comprising a flexible cable coupled to the high-level baseband controller at a first end and coupled to the ports of the

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radio module at a second end (col. 22 lines 23-35, col. 21 lines 43-50, col. 21 lines 10-24).

17. As per claim 10, Brown teaches a computer system further comprising a hinged lid into which the radio module is affixed, the flexible cable extending through a hinge between the radio module and the high-level baseband controller (col. 22 lines 23-35, col. 21 lines 43-50, col. 21 lines 10-24).
18. As per claim 11, Brown teaches a computer system further comprising a chipset, the high-level baseband controller being incorporated into the chipset (col. 21 lines 5-24, col. 12 lines 46-60).
19. As per claim 12, Brown teaches a computer system further comprising a keyboard controller, the high-level baseband controller being incorporated into the keyboard controller (col. 3 lines 35-50, col. 21 lines 10-22).
20. As per claim 13, Brown teaches a computer system wherein the wireless communication protocol is selected from a group consisting of Bluetooth, SWAP, and IEEE 802.11 (col. 29-40, col. 3 lines 35-50).
21. As per claim 14, Brown teaches a method comprising:

receiving a real time event by a transceiver of the computer system from an external device the event associated with a wireless communication protocol (col. 8 lines 22-35, col. 21 lines 10-24);

processing the event in such that the wireless communication protocol is maintained and a high-level portion of baseband processing associated with the wireless communication protocol is done by the processor independent of the operating system (col. 8 lines 22-35, col. 21 lines 10-24). Brown does not specifically teach the use of a processor having different areas for real time and non real time events.

Bollella teaches executing a process on a primary host processor of a computer system (col. 18 lines 25-35, col. 3 lines 3-10); and

the process being associated with a non real-time operating system, forwarding the event to the processor(col. 18 lines 25-35, col. 3 lines 3-10).

22. As per claim 15, Brown teaches a method wherein a low-level portion of the baseband processing associated with the wireless communication protocol is done by a radio module independent of the processor (col.20 lines 42-55, col. 22 lines 1-35).

23. As per claim 16, Brown teaches a method wherein the wireless communication protocol is a Bluetooth protocol, and the low-level portion of the baseband processing is in accordance with the Bluetooth link management protocol (col. 4 lines 57-67, col. 6 lines 3-7).

24. As per claim 17, Bollella teaches a method wherein processing the event in real-time includes halting the process, saving a processor state to a reserved memory space, executing a real-time event handler, returning the processor state, and continuing execution of the process(col. 6 lines 5-26, col. 5 lines 52-66, col. 9 lines 20-30).
25. As per claim 18, Bollella teaches a method wherein processing the event in real-time includes processing the event in a first portion of the processor under a first operating system while continuing execution of the process in a second portion of the processor under a second operating system (col. 18 lines 25-35, col. 3 lines 3-10).
26. As per claim 19, Brown teaches a mobile, uniprocessor computer system (col. 8 lines 22-35, col. 22 lines 9-21).
27. As per claim 20, Bollella teaches a machine-accessible medium including machine-accessible instructions that, when executed by a computer system, cause the computer system to perform the method (col. 2 lines 50-65, col. 8 lines 20-29).
28. As per claim 21, Bollella teaches a medium further comprising machine-accessible instructions that, when executed by the computer system (col. 2 lines 50-65, col. 8 lines 20-29).

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Conclusion

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nilesh Shah whose telephone number is 703-305-8105. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, meng An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nilesh Shah

Examiner

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NS

June 25, 2004


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